

Cizojazyčné resumé

Public auctions

The aim of my thesis written on the topic „Public auctions“ is to compile a comprehensive analysis of the topic with focus on the present statute no. 26/2000 Sb., o veřejných dražbách, ve znění pozdějších předpisů (hereinafter referred to as „ZVD“), since it is the most important statute to regulate such legal issue. The legal regulation of public auction has come through a long historical development until its current form, which is in comparison with other countries in fact rare.

The thesis is composed of seven chapters, each of them dealing with different aspects concerning auctions. Chapter one introduces the reader in the general matter of public auctions along with the historical context. Historical development of public auctions is divided into three parts, each of them representing certain period and separated by crucial years. Very significant subchapter gathers distinct opinions of various jurists about legal principle of a public auction in relation to the legislature concerning privatization process in the early nineties of the twentieth century.

Chapter two examines relevant Czech legislation. The chapter consists of three parts. First two parts focus on two basic regimes that allow to organize public auctions in the Czech legislature. The main objective of the first part is to bring closer and clarify the basic terms and definitions which apply in connection with the public auction in compliance with the ZVD. Third part addresses the issue of other statutes that contain auction regulations, but always with reference to one of the basic regime.

Chapter three concentrates on different types of auctions while chapter four explains the difference between auction and public auction.

Chapter five outlines a legal protection of respective person for unauthorized public auction. This chapter deals with the possibility of protecting relevant person's ownership before the public auction has begun and after the auction has ended and ownership has been transferred by the fall of the hammer.

Chapter six discusses the legal issue related to a changeover of ownership of the object that has been auctioned off. The current legislature perceives the changeover as transition where the auction winner acquires the object originally, as a first owner and

ZVD has its own regulation. However there are distinct opinions holding that the ownership is being conveyed from the previous owner onto the successful bidder as it would in case of ordinary contract. Nevertheless this could seem to be a wordplay considerable importance arises since in case that auction is considered as a certain type of a contract therefore the civil code will be applied subsidiarily.

Chapter seven surveys the impact that will have incoming civil law codex at the public auction issue.